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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016

28319 7590 07/25/2007 BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051	
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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
07/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/605,544

Applicant(s)

COLE ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-8,25 and 33-36 is/are allowed.
- 6) ☒ Claim(s) 27-32, 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/7/2007 with respect to the rejection of claims 27-32 and 37-40 under 35 U.S.C. § 112, first paragraph have been fully considered but they are not persuasive. However, Applicant's supplemental amendments filed 6/20/2007 overcome the rejection, and it has been withdrawn.

2. Applicant's arguments, see pages 10-11, filed 5/7/07, with respect to the rejection of claims 1, 5-8, 25 and 27-30 under 35 U.S.C. § 112, second paragraph have been fully considered and are persuasive. The rejection of those claims has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With regard to claim 37, the limitation "before generating the plugin" is unclear, because there is no longer any limitation describing "generating the plugin". In light of

Art Unit: 2153

Applicant's other amendments, it appears that Applicant intended this limitation to be amended to recite "selecting the plugin", and it has been interpreted as such for the purpose of applying prior art.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27, 29-32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice.

8. With regard to claims 27 and 37, Hughes discloses a method for exchanging between a source location and destination location comprising the steps of:

generating a data file formatted in a markup language in accordance with a predetermined schema (column 8, lines 35-39);

generating a first software envelope containing the data file (column 6, lines 6-14);

selecting a plugin based on the predetermined schema, said plugin configured to create an object from the markup language of the data file (column 9, lines 25-32);

transmitting the software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5),

wherein the plugin creates the object from the markup language of the data file (column 9, lines 25-32 and 47-57). However, Hughes fails to specifically disclose that the plugin is attached to the software envelope or that the plugin corresponds to an operating system associated with the destination location.

Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

The Examiner takes Official Notice that utilizing plugins corresponding to a particular operating system is old and well-known in the art. It would have been apparent to one of ordinary skill in the art at the time the invention was made that it would have been advantageous, and in fact necessary, to send the client a plugin corresponding to its operating system since the client could not execute plugins designed for an operating system it does not run.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the received data file.

9. With regard to claim 29, Hughes further discloses wherein the markup language comprises standard generalized markup language (SGML) (Col 8, Lines 35-39).

10. With regard to claim 30, Hughes further discloses wherein the step of transmitting comprises transmitting the software envelope via electronic mail (Col 8, Lines 43-44).

11. With regard to claim 31, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), including that the messages may be transmitted "by HTML" (Col 8, Lines 43-47), it fails to specifically recite that the step of transmitting comprises transmitting the software envelope via HTTP.

The Examiner takes Official Notice that transmitting messages via HTTP is old and well-known in the art. HTML messages are usually transmitted via HTTP, during operations such as loading a web page. HTTP would have been the most common means of transmitting HTML at the time the invention was made, and would almost certainly have been used.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use HTTP to transmit HTML formatted messages since HTTP is the most common transport protocol for HTML.

12. With regard to claim 32, Dutta further discloses that the software envelope contains the plugin (content and content processing software are sent together)(at least Abstract, Lines 12-16).

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice in further view of Lektion et al. (US 6,446,110).

14. With regard to claim 28, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the markup language comprises extensible markup language (XML).

Lektion discloses using the well-known markup language XML to generate a data File (Col 6, Lines 34-35 and Fig 13A). This would have been an advantageous addition to the system disclosed by Hughes and Dutta since XML allows great flexibility in organizing and presenting information in the data file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML as the markup language in the system

Art Unit: 2153

disclosed by Hughes and Dutta since it is a well-known language that allows great flexibility in organizing and presenting information in the data file.

Allowable Subject Matter

15. Claims 1, 5-8, 25 and 33-36 are allowed.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2153

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
7/20/07



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